

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 5, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-24800 - APPLICANT: CRICKET COMMUNICATIONS -
OWNER: NEVADA POWER COMPANY**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to the conditions for Site Development Plan Review (SDR-17536) and (SDR-19892) if approved.
2. Conformance to all minimum requirements under LVMC Title 19.04.010 for a Wireless Communication Facility, Non-Stealth Design.
3. All development shall be in conformance with the site plan and elevation, date stamped 09/25/07, except as amended by conditions herein.
4. Any expansion of the equipment enclosure which includes the use of razor wire shall require a Site Development Plan Review application to be approved by the City Council.
5. This approval shall be void one year from the date of final approval, unless a building permit has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
6. The communications monopole and its associated equipment and facility shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the communications monopole and its associated equipment and facility.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Special Use Permit to add three antennas on an existing 60-foot high non-stealth communications tower on 1.34 acres at 1301 North Michael Way, within a utility substation. The panel antennas will be painted to match the existing 60 foot tower. One base transceiver station (BTS) equipment cabinet and one battery cabinet will be located at the base of the tower. Electrical and telephone connection panels will be located within the lease area as well. Razor wire strands are shown at the top of the existing block wall. Approval of this request will include approval of the razor wire.

The proposed co-location of the antennas was the subject of an administrative site development plan review (SDR-23626) which was denied on August 17, 2007. The denial was based on condition number five related to wireless communication facility, stealth, stating: The design and location of the proposed facility must be deemed to be compatible with surrounding uses. Staff noted the facility did not meet that requirement as residential uses flank the north, east and west sides of the site. Adding additional antenna panels to the existing communications tower would accentuate the negative visual impact this tower currently has on the surrounding area; therefore, staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/08/05	A request for a Site Development Plan Review (SDR-19892) was administratively approved to allow T-frame mounted antennas on an existing 60 foot Nevada power lattice tower at 1301 Michael Way.
10/20/06	A request for a Site Development Plan Review (SDR-17536) was administratively approved to allow the addition of 12 antennas to an existing wireless communication facility at 1301 N. Michael Way.
08/17/07	A request for a Site Development Plan Review (SDR-23626) was administratively denied to allow a proposed co-location of antennas on an existing 60-foot tall wireless communications facility, non-stealth at 1301 North Michael Way.
11/08/07	The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #27/lhm).
<i>Related Building Permits/Business Licenses</i>	
06/30/06	Antenna (Exist Tower) / Equipment (Permit # 5008975)
<i>Pre-Application Meeting</i>	
09/11/07	This request was administratively denied on 08/17/0 and requires a Special Use Permit; explained requirements and documentation for submittal of an application for the SUP.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required nor was one held.	
<i>Field Check</i>	
10/18/07	The site is a Nevada Power facility with transformers, equipment and a communication tower for antennas at the back of the property.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.34

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Communication tower and equipment	PF(Public Facility)	R-E (Residence Estates)
North	Multi-family	ML (Medium Low Density Residential)	R-PD11(Residential Planned Development – 11 DUA)
South	Church	PF(Public Facility)	C (Civic)
East	Residential	L (Low Density Residential)	R-1 (Single Family Residential)
West	Clark County	L (Low Density Residential)	Clark County

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District – 105 Feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment	X		Y
Project of Regional Significance	X		Y

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.35

ANALYSIS

- **Use**

The proposed addition of three mounted panel antennas to the existing 60-foot Wireless Communication Facility, Non-Stealth Design does not qualify for Conditional Use Approval as the subject site is neither zoned C-V (Civic) nor C-M (Light Industrial) or M (Industrial). In addition to the zoning, the proposal also does not meet the minimum Conditional Use requirement of a 600-foot separation from residential property. As such, a Special Use Permit for a Wireless Communication Facility, Non-Stealth Design is required.

Also of note are the razor wire strands shown at the top of the block wall surrounding the facility. An approval by the city for the use of the razor wire at the top of the block wall was not found in city records.

- **Minimum Special Use Permit Requirements**

Wireless Communication Facility Non-Stealth Design:

- *1. No residential use may exist on the property.
- *2. Any antenna tower that forms part of the facility shall conform with both the setback requirements of the zoning district and the separation requirements of Section 19.08.060.
- *3. Except in the C-V (Civic) Zoning District, no antenna tower that forms part of a facility may be located within 600 feet of:
 - a. Any other antenna tower that forms part of a wireless communication facility; or
 - b. Any pole or tower structure of any other type that has a height of at least 60 feet.
- *4. Antenna towers and associated components shall be initially painted and thereafter repainted with a flat paint, using a color that is approved by the City Council. Except as otherwise required by the Federal Communications Commission or the Federal Aviation Administration, the color of any antenna tower must generally match the surroundings or background so as to minimize its visibility.

- **Site Plan & Residential Adjacency**

The existing communication tower and facility is located at the rear of the parcel. From the provided site plans, the existing 60 foot tall tower is shown at a distance from 83.8 feet from the rear property line. Residential properties exist behind the tower, a buffer area is shown between the tower and the properties. A dimension is not shown from the tower and across the buffer to the nearest residential property. Staff recognizes that while the Title 19.08.060 Residential Adjacency Setback Standards may not be applicable to the existing tower and the single-family residences on the west side of the property, the view corridors from the back yards of these homes will be further degraded by the additional antenna arrays obstructing their views. Staff recommends denial of this request.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed addition of three antennas to the existing 60-foot tall communication tower will increase the visual intrusion to the single-family dwellings located to the west of the subject property.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The site is not physically suitable to accommodate additional antenna arrays as the increased intensity of land use is too great on the residential properties to the west.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

There is little expected traffic related with a Wireless Communication Facility and N. Michael Way will provide adequate access to the subject property.

- 4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The welfare of the general public will be compromised by the approval of this proposal to add three more antennas to an existing 60 foot tower, as the resulting additional visual clutter and obstructed views will degrade the quality of life currently enjoyed by residents in the area

- 5. The use meets all of the applicable conditions per Title 19.04.**

The proposed addition of three mounted panel antennas meets the minimum requirements for a Wireless Communication Facility, Non-Stealth Design.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 34

SENATE DISTRICT 3

NOTICES MAILED 429 by City Clerk

APPROVALS 1

PROTESTS 4